

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI

DAVID BUTLER and KATHY BUTLER,)
his wife,)

Petitioners,)

vs.)

Cause No. 22-cv-00963-HEA

A.W. CHESTERTON COMPANY, et al.)

Defendants.)

STIPULATION OF DISMISSAL

Petitioners DAVID BUTLER and KATHY BUTLER, and Defendant OSHKOSH CORPORATION (hereinafter “Defendant”) file this stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

1. Petitioners sued Defendant in the 22nd Circuit Court, City of St. Louis, Missouri on February 8, 2022. The action was subsequently removed to this Court on September 14, 2022.
2. Petitioners hereby move to dismiss the suit without prejudice as to Defendant OSHKOSH CORPORATION, only.
3. Defendant, who served an answer to Petitioners’ Petition prior to removal, agrees to the dismissal.
4. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or action related to an unincorporated association under Rule 23.2.
5. This case is not governed by any federal statute that requires a court order for dismissal of the case as to Defendant.

6. A receiver has not been appointed in this case.
7. Petitioners have not previously dismissed any federal- or state-court suit on or including the same claims as those presented in this case.
8. This dismissal without prejudice, each party to bear its own costs.

Respectfully submitted,

By: /s/ Andrew Murrie
Andrew Murrie, MO#59300
SIMMONS HANLY CONROY
One Court Street
Alton, IL 62002
amurrie@simmonsfirm.com
Tel.: (618) 259-2222
Fax: (618) 259-2251
Attorneys for Plaintiffs

AND

By: Sarah Mangelsdorf
Sarah B. Mangelsdorf, #59918
GOLDBERG SEGALLA LLP
8000 Maryland, Suite 640
St. Louis, MO 63105
smangelsdorf@goldbergsegalla.com
Tel.: 314-446-3350
Fax: 314-446-3360
Attorneys for OSHKOSH CORPORATION

CERTIFICATE OF SERVICE

I certify that on September 28, 2022, a copy of the Stipulation for Dismissal, was served by e-mail on the following attorneys in charge for:

/s/Andrew Murrie
Andrew Murrie

Attorneys for BRAND INSULATIONS, INC. and PNEUMO ABEX LLC successor-in-interest to Abex Corporation f/k/a Pneumo Abex Corporation

Matthew E. Pelikan
COSMICH AND SIMMONS LLC
10 S. Broadway, Suite 1100
St. Louis, MO 63102
Matthew.pelikan@cs-law.com
Tel: 601-863-2100
Fax: 601-863-0078

Attorneys for BWDAC INC., f/k/a BWD AUTOMOTIVE CORPORATION

Marcie J. Vantine
SWANSON, MARTIN & BELL, LLP
800 Market Street, Suite 2100
St. Louis, MO 63101
mvantine@smbtrials.com
Tel.: 314-241-7100

Attorneys for CASE NEW HOLLAND INDUSTRIAL, INC. and CNH INDUSTRIAL AMERICA LLC

Erick E. VanDorn
Lindsay Gilmore
THOMPSON COBURN LLP – Belleville
525 W. Main Street, Suite 300
Belleville, IL 62220
evandorn@thompsoncoburn.com
lgilmore@thompsoncoburn.com
Tel: 618-277-4700
Fax: 618-236-3434

Attorneys for CARLISLE INDUSTRIAL BRAKE & FRICTION, INC.

Jeffrey T. Bash
LEWIS BRISBOIS BISGAARD & SMITH LLP
Mark Twain Plaza II
103 West Vandalia, Suite 300
Edwardsville, IL 62025
jbash@lewisbrisbois.com
Tel.: 618-307-7290

Fax: 618-692-6099

Attorneys for CATERPILLAR, INC.

Julie A. Simaytis
BAKER STERCHI
100 North Broadway, 21st Floor
St. Louis, MO 63102
jsimaytis@bscr-law.com
Tel: 314-345-5000
Fax: 314-345-5010

**Attorneys for CBS CORPORATION, a Delaware corporation f/k/a VIACOM INC.
successor-by-merger to CBS CORPORATION, a Pennsylvania corporation f/k/a
WESTINGHOUSE ELECTRIC CORPORATION**

Daniel G. Donahue
FOLEY & MANSFIELD, P.L.L.P.
101 South Hanley Road, Suite 600
St. Louis, MO 63105
ddonahue@foleymansfield.com
Tel.: 314-925-5700
Fax: 314-925-5701

**Attorneys for REDCO CORPORATION f/k/a CRANE CO., GENERAL ELECTRIC
COMPANY, and HERCULES, LLC**

Julie Fix Meyer
Anita Kidd
Greg Iken
Bryan D. Nicholson, #53083
ARMSTRONG TEASDALE LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105
jfixmeyer@atllp.com
giken@atllp.com
akidd@atllp.com
bnicholson@atllp.com
Tel.: 314-621-5070
Fax: 314-621-5065

Attorneys for CUMMINS, INC.

Nathan A. Lindsey
Dillon B. Williams
RASMUSSEN DICKY MOORE, LLC
10 S. Broadway, Suite 1520
St. Louis, MO 63102
nlindsey@rdm.law
dwilliams@rdm.law

Tel.: 314-391-2260

Fax: 312-767-9780

Attorneys for DAIMLER TRUCKS NORTH AMERICA LLC and WESTERN AUTO SUPPLY COMPANY

Robert W. Stephens

James R. Grabowski

April Vesely

Amber Hummel

John Arranz,

SWANSON, MARTIN & BELL, LLP

330 N. Wabash Ave., Suite 3300

Chicago, IL 60611

rstephens@smbtrials.com

jgrabowski@smbtrials.com

avesely@smbtrials.com

ahummel@smbtrials.com

Tel.: 312-321-9100

Fax: 312-321-0990

Attorneys for DEERE & COMPANY

Matthew J. Fischer

Ali Myhre

RILEY SAFER HOLMES & CANCELIA LLP

70 W. Madison Street, Suite 2900

Chicago, IL 60602

mfischer@rshc-law.com

amyhre@rshc-law.com

Tel.: 312-471-8700

Fax: 312-471-8701

Attorneys for EATON CORPORATION and MORSE TEC LLC, f/k/a BORGWARNER MORSE TEC LLC, and Successor-by-Merger to BORG-WARNER CORPORATION

Dyanna Ballou

Sarah Elise Schwartz

RASMUSSEN, DICKEY & MOORE, L.L.C.

1001 E. 101st Terrace

Kansas City, MO 64131

dballou@rdm.law

sschwartz@rdm.law

Tel.: 816-960-1611

Fax: 816-960-1669

Attorneys for FORD MOTOR COMPANY

Alex Craig Riley

Sherry A. Rozell

MCAFEE AND TAFT PC – Springfield
4050 S. Fairview Avenue
Springfield, MO 65807
alex.riley@mcafeetaft.com
sherry.rozell@mcafeetaft.com
Tel: 918-574-3001
Fax: 918-574-3101

Attorneys for GENERAL GASKET CORPORATION, JOHN CRANE, INC., and MISSOURI DRYWALL SUPPLY INC.

A.J. Bronsky
Agota Peterfy
BROWN & JAMES, P.C.
800 Market Street, Suite 1100
St. Louis, MO 63101
ajbronsky@bjpc.com
apeterfy@bjpc.com
Tel.: 314-421-3400

Attorneys for INDUSTRIAL HOLDINGS CORPORATION, f/k/a The Carborundum Company

Brenda G. Baum
HEPLER AND BROOM
103 W. Vandalia Street
Suite 300, P.O. Box 510
Edwardsville, IL 62025
hbash@heplerbroom.com
Tel: 618-656-0184
Fax: 618-656-1364

Attorneys for J.P. BUSHNELL PACKING SUPPLY CO.

Anna G. O'Connor
SINARS SLOWIKOWSKI TOMASKA LLC
800 Market Street, Suite 2950
St. Louis, MO 63101
agoconnor@sinarslaw.com
Tel.: 314-391-2260
Fax: 312-767-9780

Attorneys for MACK TRUCKS INC. and VOLVO GROUP NORTH AMERICA INC.

Curtis R. Picou
Mary G. Sullivan
CRIVELLO CARLSON LLC
1012 Plummer Drive, Suite 201
Edwardsville, IL 62025
cpicou@ccpalaw.com

msullivan@ccpalaw.com

Tel: 618-655-0006

Fax: 618-655-0250

Attorneys for MCKESSON CORPORATION and RILEY STOKER CORPORATION

Kent L. Plotner

HEYL ROYSTER PC – Edwardsville

105 W. Vandalia Street, Suite 100

Edwardsville, IL 62025

kplotner@heyloyster.com

Tel: 618-656-4646

Attorneys for NAVISTAR INC.

Clement David Warr, Jr.

Leo C. Chmielewski

SWANSON MARTIN LLP – St. Louis

One Bank of America Plaza

800 Market Street, Suite 2100

St. Louis, MO 63101

cwarr@smbtrials.com

lchmielewski@smbtrials.com

Tel: 314-241-71000

Fax: 314-241-7106

Attorneys for OSHKOSH CORPORATION

Sarah B. Mangelsdorf, #59918

GOLDBERG SEGALLA LLP

8000 Maryland, Suite 640

St. Louis, MO 63105

smangelsdorf@goldbergsegalla.com

Tel.: 314-446-3350

Fax: 314-446-3360

Attorneys for PACCAR INC.

Mark D. Crapo

GORDON REES LLP – St. Louis

211 N. Broadway, Suite 2150

St. Louis, MO 63102

mcrapo@grsm.com

Tel: 314-665-1307